

HOUSE BILL No. 1169

DIGEST OF INTRODUCED BILL

Citations Affected: IC 25-8.

Synopsis: Cosmetology and estheticians. Changes the term "cosmetology professional" in the law concerning beauty culture to "beauty culture professional". Beginning July 1, 2011, adds the removal of superfluous hair from the body by the use of threading to the acts that constitute cosmetology and the practices performed by an esthetician. Makes conforming changes. Repeals definition of "cosmetology professional".

Effective: July 1, 2008.

Orentlicher, Bardon

January 14, 2008, read first time and referred to Committee on Small Business and Economic Development.

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Second Regular Session 115th General Assembly (2008)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2007 Regular Session of the General Assembly.

HOUSE BILL No. 1169

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 25-8-2-2.6 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2008]: **Sec. 2.6. "Beauty culture professional" refers to the**
4 **following:**

- 5 (1) **A cosmetologist licensed under IC 25-8-9.**
- 6 (2) **An electrologist licensed under IC 25-8-10.**
- 7 (3) **A manicurist licensed under IC 25-8-11.**
- 8 (4) **An esthetician licensed under IC 25-8-12.5.**
- 9 (5) **An instructor licensed under IC 25-8-6.**

10 SECTION 2. IC 25-8-2-3.5 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2008]: **Sec. 3.5. "Continuing**
12 **education course" means an orderly process of instruction that is:**

- 13 (1) offered by a cosmetology educator that is approved by the
14 board; and
- 15 (2) designed to directly enhance the knowledge and skill of
16 practicing ~~cosmetology~~ **beauty culture** professionals in providing
17 cosmetology services.



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SECTION 3. IC 25-8-2-5, AS AMENDED BY P.L.157-2006, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 5. (a) "Cosmetology" means performing any of the following acts on the head, face, neck, shoulders, torso, arms, hands, legs, or feet of a person:

(1) Cutting, trimming, styling, arranging, dressing, curling, waving, permanent waving, cleansing, bleaching, tinting, coloring, or similarly treating hair.

(2) Applying oils, creams, antiseptics, clays, lotions, or other preparations to massage, cleanse, stimulate, manipulate, exercise, or beautify.

~~(3) Arching eyebrows.~~

~~(4) Using depilatories.~~

~~(5)~~ (3) Manicuring and pedicuring.

(4) Removing superfluous hair by the use of:

(A) depilatories;

(B) waxing;

(C) tweezers; or

(D) any other method as determined by the board by rule under IC 25-8-3-23(a)(5).

(5) Beginning July 1, 2011, removing superfluous hair from the body by the use of threading.

(b) "Cosmetology" does not include performing any of the acts described in subsection ~~(a)~~ **(a)(1) through(a)(4) or, beginning July 1, 2011, subsection (a)(5):**

(1) in treating illness or disease;

(2) as a student in a cosmetology school that complies with the notice requirements set forth in IC 25-8-5-6;

(3) in performing shampooing operations; or

(4) without compensation.

SECTION 4. IC 25-8-2-9.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 9.5. (a) "Esthetician" means a person who engages solely in one (1) or more of the following practices:

(1) Giving facials, applying makeup, and giving skin care.

(2) Beautifying, massaging, or cleaning the body with the use of cosmetic preparations, antiseptics, tonics, lotions, or creams.

(3) Removing superfluous hair from the body by the use of:

(A) depilatories;

(B) waxing; or

(C) tweezers; or

(D) any other method as determined by the board by rule

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1 under IC 25-8-3-23(a)(5).

2 **(4) Beginning July 1, 2011, removing superfluous hair from**
 3 **the body by the use of threading.**

4 (b) The term does not include performing any of the acts described
 5 in subsection ~~(a)~~ **(a)(1) through (a)(3) or, beginning July 1, 2011,**
 6 **subsection (a)(4):**

- 7 (1) in treating an illness or a disease;
- 8 (2) as a student in a cosmetology school that complies with the
- 9 notice requirements under IC 25-8-5-6;
- 10 (3) without compensation; or
- 11 (4) incident to the retail sale of cosmetics.

12 SECTION 5. IC 25-8-2-19 IS ADDED TO THE INDIANA CODE
 13 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 14 1, 2008]: **Sec. 19. "Threading" refers to:**

- 15 **(1) a technique that results in the removal of superfluous hair**
 16 **from the body by twisting thread around unwanted hair and**
 17 **pulling it from the skin; and**
 18 **(2) the incidental trimming of eyebrow hair.**

19 SECTION 6. IC 25-8-3-23, AS AMENDED BY P.L.197-2007,
 20 SECTION 30, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 21 JULY 1, 2008]: Sec. 23. (a) The board shall adopt rules under
 22 IC 4-22-2 to:

- 23 (1) prescribe sanitary requirements for:
 - 24 (A) cosmetology salons;
 - 25 (B) electrology salons;
 - 26 (C) esthetic salons;
 - 27 (D) manicuring salons; and
 - 28 (E) cosmetology schools;
- 29 (2) establish standards for the practice of cosmetology and the
 30 operation of:
 - 31 (A) cosmetology salons;
 - 32 (B) electrology salons;
 - 33 (C) esthetic salons;
 - 34 (D) manicuring salons; and
 - 35 (E) cosmetology schools;
- 36 (3) implement the licensing system under this article and provide
 37 for a staggered renewal system for licenses; ~~and~~
- 38 (4) establish requirements for cosmetology school uniforms for
 39 students and instructors; **and**
- 40 **(5) establish a list of methods for removing superfluous hair**
 41 **for which a cosmetology license or an esthetician license is**
 42 **required under this article.**

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(b) The board may adopt rules under IC 4-22-2 to establish the following for the practice of cosmetology, electrology, esthetics, or manicuring in a mobile salon:

(1) Sanitation standards.

(2) Safety requirements.

(3) Permanent address requirements at which the following are located:

(A) Records of appointments.

(B) License numbers of employees.

(C) If applicable, the vehicle identification number of the license holder's self-contained facility.

(4) Enforcement actions to ensure compliance with the requirements under this article and all local laws and ordinances.

SECTION 7. IC 25-8-5-4.2, AS ADDED BY P.L.157-2006, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008]: Sec. 4.2. (a) A cosmetology school licensed under this chapter shall require each student for graduation to pass a final examination that tests the student's practical knowledge of the curriculum studied.

(b) The board shall consider an applicant for the ~~cosmetology~~ **beauty culture** professional examination as fulfilling the practical examination requirement established by IC 25-8-4-8(1) after successfully completing the final practical demonstration examination.

(c) A passing score of at least seventy-five percent (75%) is required on the final practical demonstration examination.

(d) The cosmetology school licensed under this chapter shall allow each student for graduation at least three (3) attempts to pass the final practical demonstration examination.

(e) The board may monitor the administration of the final practical demonstration examination for any of the following purposes:

(1) As a result of a complaint received.

(2) As part of random observations.

(3) To collect data.

SECTION 8. IC 25-8-2-5.5 IS REPEALED [EFFECTIVE JULY 1, 2008].

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